

Remarks**Status of Claims**

The Examiner issued a final rejection of all claims pending in the instant application, claims 1-21, under 35 USC 103(a) as being unpatentable over WO 02/42235 in view of US 4,427,482.

Applicants respectfully submit that the finality of this rejection is improper. As provided in the MPEP 706.07(a), the Examiner should not make a second Office Action final where the Examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement.

The recent Office Action rejections were not necessitated by an amendment, nor by new information provided in an IDS. Applicants acknowledge WO 02/42235 was provided in an IDS dated 12/19/2002, and Applicants apologize for any confusion that may have resulted from this IDS submission, but merely wished to make the Examiner aware of the publication of this related case. This WO publication is based on US 09/721,355, from which the instant case claims priority as a Continuation Application, as was disclosed in the Specification at the time of filing in the paragraph labeled "Cross-reference to related applications", and therefore the IDS did not provide a reference against the instant application. Accordingly, such rejection is improper as being a final office action.

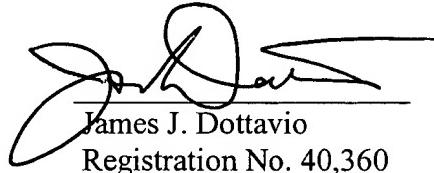
Additionally, based on the common priority document, WO 02/42235 is not properly applied as a reference, and therefore the rejections under 35 USC based on WO 02/42235 are improper and should be withdrawn.

Conclusion

In view of the above remarks, it is submitted that the claims are in condition for allowance. Reconsideration of the rejections is requested. Allowance of claims 1-21 at an early date is solicited. If any questions should arise with respect to the above Remarks, or if the Examiner has any comments or suggestions to place the claims in better condition for allowance, it is requested that the Examiner contact Applicant's attorney at the number listed below.

Applicants authorizes any fees required pertaining to this response be charged to Deposit Account No. 50-0568.

Respectfully submitted,



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